

REMARKS

This is in response to the Office Action dated August 9, 2006. Because this response is filed on December 11, 2006 (December 9 being a Saturday, and December 10 being a Sunday) with a Request for Continued Examination and a one-month extension of time, the response is timely filed.

I. Status of the Claims

Claims 29-54 remain pending. No amendments have been made herein.

II. Response to August 9 Office Action

In the August 9 Office Action, claims 29-39 and 41-54 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over U.S. Patent No. 6,981,635 to Hughs-Baird et al. (cited in the previous Action) in view of U.S. Patent No. 6,251,013 to Bennett. Applicants respectfully disagree.

Claim 29 recites a method of conducting a slots game. The method includes receiving a wager, displaying a plurality of symbols arranged in a plurality of reels, displaying at least one interactive symbol, receiving a player selection of a selected symbol from the plurality of symbols, and transforming the selected symbol into a transformed symbol through perceived interaction between the at least one interactive symbol and the selected symbol. The method also includes determining a payout associated with a configuration of symbols including the transformed symbol and at least one other symbol of the plurality of symbols, the at least one other symbol other than the at least one interactive symbol and the transformed symbol.

As for these limitations, applicant submitted and the Office now admits (August 9 Office Action, top of page 3) that at least the last limitation of claim 29 is not found in Hughs-Baird et al.: “a payout based on the transformed symbol and at least one other symbol of than the interacting symbol and the transformed symbol.” Bennett allegedly provides the missing disclosure at col. 5:25-33. Allegedly, the modification would have been made “to

increase a player's interest and excitement and as a result sales will increase," relying on Hughs-Baird, col. 1:44-45, 7:30-35 and Bennett, col. 1:37-40, 47-52.

Applicants submit that the alleged motivation in reality represents no motivation at all. If all that is required to combine two disclosures is an increase in player's interest, then any combination of references would appear justifiable in that the combination provides something not found in the references individually, and therefore likely to increase the player's interest. In this regard it would appear that the very novelty of the claimed subject matter appears to be working against applicant, in that the novelty now appears to provide the motivation to combine the references, rendering the subject matter unpatentable.

Furthermore, applicants submit that the proposed combination is contrary to Bennett.

In Hughs-Baird et al., the payout is based on the interacting symbols themselves. See, e.g., col. 1:65-2:2; col. 2:12-14, 28-30; col. 6:35-40; col. 7:10-13, 27-31, and 58-61. For example, the interacting symbols may be a drum and drumsticks, for which a payout is awarded (in distinction to a situation where the player selects a drum and cymbals or drumsticks and cymbals). Hughs-Baird et al., col. 6:11-15. In such a situation, the payable for assessing winning (and losing) combinations can be something entirely separate and apart from the payable for the underlying primary game. No attempt needs to be made to preserve the randomness, and hence the distribution of payouts, achieved by the payable of the underlying primary game.

By contrast, Bennett states, in regard to the third embodiment, that the interactive symbol (sprite) randomly designates first and second symbols, and then the locations of the designated symbols are swapped. Bennett, col. 5:26-30. The rearranged symbols are then considered for winning combinations. Thus, randomness is the prerequisite that is satisfied to permit the payable to be the same for bonus and primary game – the player is not permitted to influence which symbols interact. Use of random decisions permits the new combinations formed as a consequence of "interactivity" to be treated no differently than any other combination of symbols – the probabilities are preserved through the use of random decision-making. It is submitted that this is a theme common to the embodiments – assignment of symbols comes about as a consequence of a random decision.

To combine Bennett with a system, such as Hughs-Baird et al., that permits player direction of the “interactivity” (resulting in true interactivity, in applicants’ opinion), would require one skilled in the art to ignore the teachings of Bennett. At best, such ignorance would appear to flow contrary to the teachings of Bennett. At worst, this combination would appear to be motivated by hindsight or use applicants’ claimed subject matter as a map to combine the references cited. In any event, this combination is improper, and the rejection of claim 29 should be withdrawn.

In regard to independent claims 41 and 43, applicants note similarities between the language of claim 29 and those claims, which similarities make the arguments raised above applicable to claims 41 and 43 as well. In particular, claim 41 recites, in pertinent part, “determining a payout associated with a set of symbols including the transformed symbol and at least one other symbol of the plurality of symbols, the at least one other symbol other than the at least one interactive symbol and the transformed symbol, arranged along . . . at least one payline.” Claim 43 recites, in pertinent part, “the microprocessor programmed to determine a payout associated with a configuration of symbols including the transformed symbol and at least one other symbol of the plurality of symbols, the at least one other symbol other than the at least one interactive symbol and the transformed symbol.” Consequently, the rejections of claims 41 and 43 should also be withdrawn.

As for the remaining claims, they depend from one of independent claims 29, 41, and 43. Given that the rejections should be withdrawn relative to claims 29, 41, 43, then, at least for this reason, the rejections should be withdrawn from the remaining claims.

As a final matter, no explicit statement of rejection has been made relative to claim 40. While applicants submit that the rejections should be withdrawn as to all pending claims, if the Office disagrees, the Office is requested to state explicitly whether claim 40 stands rejected.

In view of the foregoing, it is respectfully submitted that the above application is in condition for allowance, and reconsideration is respectfully requested. If there is any matter that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 13-2855, under Order No. 29757/AG47.

Dated: December 11, 2006

Respectfully submitted,

By 

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